

Andrew H. Griffin, III, (State Bar Number 108378)  
Law Offices of **ANDREW H. GRIFFIN, III**  
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[Proposed] Attorney for Debtor and Debtor in Possession,  
RBE, a California Corporation

**UNITED STATES BANKRUPTCY COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

In Re:	)	Case No.: 14-03531-MM11
	)	Chapter 11
RBE, a California Corporation,	)	
	)	<b>EX PARTE APPLICATION FOR</b>
Debtor and Debtor in Possession.	)	<b>ORDER SETTING CLAIMS BAR</b>
	)	<b>DATE</b>
	)	
	)	Date: Ex Parte
	)	Time: Ex Parte
	)	Dept.: 1
	)	
	)	Judge: Honorable Margaret M. Mann

Pursuant to Fed. R. Bankr. P. Rule 3003 and Local Bankruptcy Rule 3003-1, Debtor and Debtor in Possession, RBE, a California Corporation ("Debtor"), applies for an order setting a claims bar date in the above-referenced Chapter 11 Case. As grounds therefore, Debtor states the following:

1. Debtor is in the process of preparing its plan of reorganization and disclosure statement. In connection with the same, Debtor currently has estimates of various claims against the estate and desires to specifically establish the amount and nature of the claims to the greatest extent possible to assist Debtor in this regard.

- 1 2. A determination of the amount of all creditor claims and their proper classification will be  
2 helpful in the preparation of the plan and disclosure statement. As such, Debtor believes it is  
3 in the best interest of the estate that a claims bar date be set at this time. Pursuant to Local  
4 Bankruptcy Rule 3003-2, a copy of the proposed notice to be sent to creditors and parties in  
5 interest, is the order setting bar date and is attached hereto as Exhibit "A" and made a part  
6 hereof.  
7
- 8 3. Wherefore, Debtor respectfully requests that the Court set August 1, 2014, as the claims bar  
9 date in this case, which will provide creditors with not less than 31 days notice of the last  
10 date to file proofs of claim as required by Local Bankruptcy Rule 3003-3 and Federal Rules  
11 of Bankruptcy Procedure Rule 2002(a)(7).  
12

13 **Law Offices of Andrew H. Griffin, III**

14 Dated: May 1, 2014

15 /s/ Andrew H. Griffin, III  
16 Andrew H. Griffin, III, Esq.  
17 [Proposed] Attorney for Debtor and Debtor in Possession,  
18 RBE, a California Corporation  
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# **Exhibit “A”**

CSD 1001A [11/15/04]

Name, Address, Telephone No. & I.D. No.

**UNITED STATES BANKRUPTCY COURT**

SOUTHERN DISTRICT OF CALIFORNIA

325 West "F" Street, San Diego, California 92101-6991

In Re

Debtor.

BANKRUPTCY NO.

Date of Hearing:

Time of Hearing:

Name of Judge:

**ORDER ON**

IT IS ORDERED THAT the relief sought as set forth on the continuation pages attached and numbered two (2) through \_\_\_\_\_ with exhibits, if any, for a total of \_\_\_\_\_ pages, is granted. Motion/Application Docket Entry No. \_\_\_\_\_

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DATED:

\_\_\_\_\_  
Judge, United States Bankruptcy Court

Signature by the attorney constitutes a certification under Fed. R. of Bankr. P. 9011 that the relief in the order is the relief granted by the court.

Submitted by:

\_\_\_\_\_  
(Firm name)

By: \_\_\_\_\_  
Attorney for ☐ Movant ☐ Respondent

CSD 1001A [11/15/04] (Page 2)

ORDER ON

DEBTOR:

CASE NO:

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[Proposed] Attorney for Debtor and Debtor in Possession,  
RBE, a California Corporation

**UNITED STATES BANKRUPTCY COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

In Re:	)	Case No.: 14-03531-MM11
	)	Chapter 11
RBE, a California Corporation,	)	
	)	<b>NOTICE OF LAST DAY TO FILE</b>
Debtor and Debtor in Possession.	)	<b>PROOFS OF CLAIM OR INTEREST</b>
	)	<b>(CLAIMS BAR DATE)</b>

**TO: ALL CREDITORS OF THE ABOVE-ENTITLED DEBTOR:**

YOU ARE HEREBY NOTIFIED that the last day to file a proof of claim or interest in the above-entitled case is August 1, 2014. A Proof of Claim form is included with this notice. The original of such proof of claim or interest must be filed with the Clerk, United States Bankruptcy Court, 325 West "F" Street, San Diego, California 92101, with a copy mailed or delivered to Andrew H. Griffin, III, Law Offices of Andrew H. Griffin, III, 275 E. Douglas Avenue, Suite 112, El Cajon, California 92020, counsel for Debtor in Possession, RBE, a California Corporation, on or before August 1, 2014. A Proof of Claim form may be obtained from the Bankruptcy Court's website: [www.casb.uscourts.gov/](http://www.casb.uscourts.gov/).

You are not required to file a proof of claim or interest unless your claim or interest was not listed, or if the Debtor has listed your claim as disputed, contingent or unliquidated, or if you disagree with the amount or the classification listed in the Schedules of Liabilities filed with the Bankruptcy Court. If you do not file a proof of claim or interest and if your claim or interest is not listed, or is listed as disputed or unliquidated, or you disagree with the amount or the classification your claim, your claim will be deemed to be the amount and classification listed in the Debtor's schedules of Liabilities, if any. The Schedule of Liabilities can be reviewed at the United States Bankruptcy Court at the above address during regular business hours. If you have any doubt regarding the status of your claim you should file a claim by the deadline given.

**Law Offices of Andrew H. Griffin, III**

Dated: May 1, 2014

/s/ Andrew H. Griffin, III  
Andrew H. Griffin, III, Esq.  
[Proposed] Attorney for Debtor and Debtor in Possession,  
RBE, a California Corporation

B10 (Official Form 10) (04/13)

UNITED STATES BANKRUPTCY COURT		PROOF OF CLAIM
Name of Debtor:	Case Number:	
NOTE: Do not use this form to make a claim for an administrative expense that arises after the bankruptcy filing. You may file a request for payment of an administrative expense according to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property):		
Name and address where notices should be sent:		<b>COURT USE ONLY</b>
Telephone number: _____ email: _____		<input type="checkbox"/> Check this box if this claim amends a previously filed claim.  <b>Court Claim Number:</b> _____ (If known)  Filed on: _____
Name and address where payment should be sent (if different from above):		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to this claim. Attach copy of statement giving particulars.
Telephone number: _____ email: _____		
<b>1. Amount of Claim as of Date Case Filed:</b> \$ _____  If all or part of the claim is secured, complete item 4.  If all or part of the claim is entitled to priority, complete item 5.  <input type="checkbox"/> Check this box if the claim includes interest or other charges in addition to the principal amount of the claim. Attach a statement that itemizes interest or charges.		
<b>2. Basis for Claim:</b> _____ (See instruction #2)		
<b>3. Last four digits of any number by which creditor identifies debtor:</b>  _____	<b>3a. Debtor may have scheduled account as:</b>  _____ (See instruction #3a)	<b>3b. Uniform Claim Identifier (optional):</b>  _____ (See instruction #3b)
<b>4. Secured Claim</b> (See instruction #4) Check the appropriate box if the claim is secured by a lien on property or a right of setoff, attach required redacted documents, and provide the requested information.		
<b>Nature of property or right of setoff:</b> <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other Describe: _____  <b>Value of Property:</b> \$ _____  <b>Annual Interest Rate</b> _____ % <input type="checkbox"/> Fixed or <input type="checkbox"/> Variable (when case was filed)		<b>Amount of arrearage and other charges, as of the time case was filed, included in secured claim, if any:</b> \$ _____  <b>Basis for perfection:</b> _____  <b>Amount of Secured Claim:</b> \$ _____  <b>Amount Unsecured:</b> \$ _____
<b>5. Amount of Claim Entitled to Priority under 11 U.S.C. § 507 (a). If any part of the claim falls into one of the following categories, check the box specifying the priority and state the amount.</b>		
<input type="checkbox"/> Domestic support obligations under 11 U.S.C. § 507 (a)(1)(A) or (a)(1)(B).	<input type="checkbox"/> Wages, salaries, or commissions (up to \$12,475*) earned within 180 days before the case was filed or the debtor's business ceased, whichever is earlier – 11 U.S.C. § 507 (a)(4).	<input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. § 507 (a)(5).
<input type="checkbox"/> Up to \$2,775* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. § 507 (a)(7).	<input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. § 507 (a)(8).	<input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. § 507 (a)(____).
<b>Amount entitled to priority:</b> \$ _____		
*Amounts are subject to adjustment on 4/01/16 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.		
<b>6. Credits.</b> The amount of all payments on this claim has been credited for the purpose of making this proof of claim. (See instruction #6)		

B10 (Official Form 10) (04/13)

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**7. Documents:** Attached are **redacted** copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, security agreements, or, in the case of a claim based on an open-end or revolving consumer credit agreement, a statement providing the information required by FRBP 3001(c)(3)(A). If the claim is secured, box 4 has been completed, and **redacted** copies of documents providing evidence of perfection of a security interest are attached. If the claim is secured by the debtor's principal residence, the Mortgage Proof of Claim Attachment is being filed with this claim. (See instruction #7, and the definition of "**redacted**".)

DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.

If the documents are not available, please explain:

**8. Signature:** (See instruction #8)

Check the appropriate box.

- ☐ I am the creditor.      ☐ I am the creditor's authorized agent.      ☐ I am the trustee, or the debtor, or their authorized agent.      ☐ I am a guarantor, surety, indorser, or other codebtor. (See Bankruptcy Rule 3005.)  
(See Bankruptcy Rule 3004.)

I declare under penalty of perjury that the information provided in this claim is true and correct to the best of my knowledge, information, and reasonable belief.

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

Company: \_\_\_\_\_

Address and telephone number (if different from notice address above): \_\_\_\_\_

(Signature)

(Date)

Telephone number: \_\_\_\_\_ email: \_\_\_\_\_

*Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.*

**INSTRUCTIONS FOR PROOF OF CLAIM FORM**

*The instructions and definitions below are general explanations of the law. In certain circumstances, such as bankruptcy cases not filed voluntarily by the debtor, exceptions to these general rules may apply.*

**Items to be completed in Proof of Claim form**

**Court, Name of Debtor, and Case Number:**

Fill in the federal judicial district in which the bankruptcy case was filed (for example, Central District of California), the debtor's full name, and the case number. If the creditor received a notice of the case from the bankruptcy court, all of this information is at the top of the notice.

**Creditor's Name and Address:**

Fill in the name of the person or entity asserting a claim and the name and address of the person who should receive notices issued during the bankruptcy case. A separate space is provided for the payment address if it differs from the notice address. The creditor has a continuing obligation to keep the court informed of its current address. See Federal Rule of Bankruptcy Procedure (FRBP) 2002(g).

**1. Amount of Claim as of Date Case Filed:**

State the total amount owed to the creditor on the date of the bankruptcy filing. Follow the instructions concerning whether to complete items 4 and 5. Check the box if interest or other charges are included in the claim.

**2. Basis for Claim:**

State the type of debt or how it was incurred. Examples include goods sold, money loaned, services performed, personal injury/wrongful death, car loan, mortgage note, and credit card. If the claim is based on delivering health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information. You may be required to provide additional disclosure if an interested party objects to the claim.

**3. Last Four Digits of Any Number by Which Creditor Identifies Debtor:**

State only the last four digits of the debtor's account or other number used by the creditor to identify the debtor.

**3a. Debtor May Have Scheduled Account As:**

Report a change in the creditor's name, a transferred claim, or any other information that clarifies a difference between this proof of claim and the claim as scheduled by the debtor.

**3b. Uniform Claim Identifier:**

If you use a uniform claim identifier, you may report it here. A uniform claim identifier is an optional 24-character identifier that certain large creditors use to facilitate electronic payment in chapter 13 cases.

**4. Secured Claim:**

Check whether the claim is fully or partially secured. Skip this section if the

claim is entirely unsecured. (See Definitions.) If the claim is secured, check the box for the nature and value of property that secures the claim, attach copies of lien documentation, and state, as of the date of the bankruptcy filing, the annual interest rate (and whether it is fixed or variable), and the amount past due on the claim.

**5. Amount of Claim Entitled to Priority Under 11 U.S.C. § 507 (a).**

If any portion of the claim falls into any category shown, check the appropriate box(es) and state the amount entitled to priority. (See Definitions.) A claim may be partly priority and partly non-priority. For example, in some of the categories, the law limits the amount entitled to priority.

**6. Credits:**

An authorized signature on this proof of claim serves as an acknowledgment that when calculating the amount of the claim, the creditor gave the debtor credit for any payments received toward the debt.

**7. Documents:**

Attach redacted copies of any documents that show the debt exists and a lien secures the debt. You must also attach copies of documents that evidence perfection of any security interest and documents required by FRBP 3001(c) for claims based on an open-end or revolving consumer credit agreement or secured by a security interest in the debtor's principal residence. You may also attach a summary in addition to the documents themselves. FRBP 3001(c) and (d). If the claim is based on delivering health care goods or services, limit disclosing confidential health care information. Do not send original documents, as attachments may be destroyed after scanning.

**8. Date and Signature:**

The individual completing this proof of claim must sign and date it. FRBP 9011. If the claim is filed electronically, FRBP 5005(a)(2) authorizes courts to establish local rules specifying what constitutes a signature. If you sign this form, you declare under penalty of perjury that the information provided is true and correct to the best of your knowledge, information, and reasonable belief. Your signature is also a certification that the claim meets the requirements of FRBP 9011(b). Whether the claim is filed electronically or in person, if your name is on the signature line, you are responsible for the declaration. Print the name and title, if any, of the creditor or other person authorized to file this claim. State the filer's address and telephone number if it differs from the address given on the top of the form for purposes of receiving notices. If the claim is filed by an authorized agent, provide both the name of the individual filing the claim and the name of the agent. If the authorized agent is a servicer, identify the corporate servicer as the company. Criminal penalties apply for making a false statement on a proof of claim.



**DEFINITIONS****Debtor**

A debtor is the person, corporation, or other entity that has filed a bankruptcy case.

**Creditor**

A creditor is a person, corporation, or other entity to whom debtor owes a debt that was incurred before the date of the bankruptcy filing. See 11 U.S.C. §101 (10).

**Claim**

A claim is the creditor's right to receive payment for a debt owed by the debtor on the date of the bankruptcy filing. See 11 U.S.C. §101 (5). A claim may be secured or unsecured.

**Proof of Claim**

A proof of claim is a form used by the creditor to indicate the amount of the debt owed by the debtor on the date of the bankruptcy filing. The creditor must file the form with the clerk of the same bankruptcy court in which the bankruptcy case was filed.

**Secured Claim Under 11 U.S.C. § 506 (a)**

A secured claim is one backed by a lien on property of the debtor. The claim is secured so long as the creditor has the right to be paid from the property prior to other creditors. The amount of the secured claim cannot exceed the value of the property. Any amount owed to the creditor in excess of the value of the property is an unsecured claim. Examples of liens on property include a mortgage on real estate or a security interest in a car. A lien may be voluntarily granted by a debtor or may be obtained through a court proceeding. In some states, a court judgment is a lien.

A claim also may be secured if the creditor owes the debtor money (has a right to setoff).

**Unsecured Claim**

An unsecured claim is one that does not meet the requirements of a secured claim. A claim may be partly unsecured if the amount of the claim exceeds the value of the property on which the creditor has a lien.

**Claim Entitled to Priority Under 11 U.S.C. § 507 (a)**

Priority claims are certain categories of unsecured claims that are paid from the available money or property in a bankruptcy case before other unsecured claims.

**Redacted**

A document has been redacted when the person filing it has masked, edited out, or otherwise deleted, certain information. A creditor must show only the last four digits of any social-security, individual's tax-identification, or financial-account number, only the initials of a minor's name, and only the year of any person's date of birth. If the claim is based on the delivery of health care goods or services, limit the disclosure of the goods or services so as to avoid embarrassment or the disclosure of confidential health care information.

**Evidence of Perfection**

Evidence of perfection may include a mortgage, lien, certificate of title, financing statement, or other document showing that the lien has been filed or recorded.

**INFORMATION****Acknowledgment of Filing of Claim**

To receive acknowledgment of your filing, you may either enclose a stamped self-addressed envelope and a copy of this proof of claim or you may access the court's PACER system ([www.pacer.psc.uscourts.gov](http://www.pacer.psc.uscourts.gov)) for a small fee to view your filed proof of claim.

**Offers to Purchase a Claim**

Certain entities are in the business of purchasing claims for an amount less than the face value of the claims. One or more of these entities may contact the creditor and offer to purchase the claim. Some of the written communications from these entities may easily be confused with official court documentation or communications from the debtor. These entities do not represent the bankruptcy court or the debtor. The creditor has no obligation to sell its claim. However, if the creditor decides to sell its claim, any transfer of such claim is subject to FRBP 3001(e), any applicable provisions of the Bankruptcy Code (11 U.S.C. § 101 *et seq.*), and any applicable orders of the bankruptcy court.

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[Proposed] Attorney for Debtor and Debtor in Possession,  
RBE, a California Corporation

**UNITED STATES BANKRUPTCY COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

In Re:	)	Case No.: 14-03531-MM11
	)	
RBE, a California Corporation,	)	Chapter 11
	)	
Debtor and Debtor in Possession.	)	<b>CERTIFICATE OF SERVICE VIA U.S. FIRST CLASS MAIL</b>

**CERTIFICATE OF SERVICE VIA U.S. FIRST CLASS MAIL**

I, **THEMBA GUILLE** declare that I am, and was at the time of service of the papers herein referred to over the age of eighteen years and not a party to the action; and I am employed in the County of San Diego, California, within which county the subject mailing occurred. My business address is 275 E. Douglas Avenue, Suite 112, El Cajon, California 92020. I served the following document(s):

**EX PARTE APPLICATION FOR ORDER SETTING CLAIMS BAR DATE**

**[PROPOSED] ORDER ON EX PARTE APPLICATION FOR ORDER SETTING CLAIMS  
BAR DATE**

**NOTICE OF LAST DAY TO FILE PROOFS OF CLAIM OR INTEREST**

**(BLANK) PROOF OF CLAIM**

X (U.S. First Class Mail) by placing a copy thereof in a separate envelope for each addressee named hereafter, addressed to each such addressee respectively as follows:

All Access Equipment Rentals  
3364 Helix Street  
Spring Valley, CA 91977

America Express  
P.O. Box 981537  
El Paso, TX 79998

1 Ana M. Hanson  
2 c/o Rothner Segal & Greenstone  
3 510 S. Marengo Avenue  
4 Pasadena, CA 91101-3115

5 Atlantic Concrete Washout  
6 8507 NW 74<sup>th</sup> Street  
7 Miami, FL 33166

8 Bank of America  
9 P.O. Box 982235  
10 El Paso, TX 79998

11 Carboline Co.  
12 2150 Schuetz Road  
13 Saint Louis, MO 63146

14 Chase  
15 P.O. Box 15298  
16 Wilmington, DE 19850

17 Chase  
18 P.O. Box 15919  
19 Wilmington, DE 19850-5919

20 Emil Ballman  
21 8167 Sterling Drive  
22 El Cajon, CA 92021

23 Employment Development Dept  
24 P.O. Box 826806  
25 Sacramento, CA 94206-0001

26 Frazee Paint  
27 1154 E. Main Street #108  
28 El Cajon, CA 92021

Gary J. Meyers, Esq.  
c/o Rothner Segall & Greenston  
510 S. Marengo Avenue  
Pasadena, CA 91101-3115

1 Internal Revenue Service  
2 Insolvency Division  
3 P.O. Box 7346  
4 Philadelphia, PA 19101-7346

5 Michele S. Ancheta, Esq.  
6 Rothner Segal & Greenstone LLP  
7 510 S. Marengo Avenue  
8 Pasadena, CA 91101-3115

9 Motel 6  
10 550 Montrose Court  
11 El Cajon, CA 92020

12 Rosner Brown Touchstone & Kell  
13 4909 Murphy Canyon Road  
14 San Diego, CA 92123

15 Small Business Administration  
16 550 W. C Street #550  
17 San Diego, CA 92101

18 Terrance J. Rusnak  
19 1550 Chiswick Court  
20 El Cajon, CA 92020

21 Thomas W. Meads  
22 1620 Alpine Blvd #228  
23 Alpine, CA 91901

24 Vibra Bank  
25 530 Broadway  
26 Chula Vista, CA 91910

27 Vista Paint Corporation  
28 2020 E. Orangethorpe Avenue  
Fullerton, CA 92831

RBE, a California Corporation  
10765 Woodside Avenue, Suite E  
Santee, CA 92071

Office of The United States Trustee  
402 West Broadway, Suite 600  
San Diego, California 92101-8511

1 I then sealed each envelope and, with the postage for first class mail thereon fully prepaid, deposited  
2 each in the United States mail at El Cajon, California, on May 1, 2014.

3 I declare under the penalty of perjury according to the laws of the United States of America that the  
4 foregoing is true and correct and that this declaration was executed on May 1, 2014, in the County of  
5 San Diego, State of California.

6 /s/ Themba Guile

7 Themba Guile  
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